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Filing date: **02/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197504
Party	Plaintiff Omega SA (Omega AG) (Omega Ltd.)
Correspondence Address	JESS M COLLEN COLLEN IP THE HOLYOKE MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE OSSINING, NY 10562 UNITED STATES ogelber@collenip.com, tgulick@collenip.com, docket@collenip.com
Submission	Motion to Consolidate
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Signature	/Oren Gelber/
Date	02/19/2013
Attachments	K654.pdf ( 4 pages )(169649 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: ALPHA PHI OMEGA and design

Opp. No.: 91197504

Serial No.: 77950436

OMEGA S.A. (OMEGA AG)  
(OMEGA LTD),

Opposer,

v.

ALPHA PHI OMEGA,  
Applicant.

Mark: AΦΩ

Opp. No.: 91197505

Serial No.: 77905236

**CONSENTED MOTION TO CONSOLIDATE RELATED OPPOSITION  
PROCEEDINGS**

Omega S.A. (Omega AG) (Omega Ltd.) (hereinafter, “Omega”), by its attorneys Collen IP, Intellectual Property Law, P.C., with the consent of Applicant, Alpha Phi Omega, hereby respectfully moves the Trademark Trial and Appeal Board (hereinafter, “TTAB”) pursuant to Federal Rules of Civil Procedure 42(a) and TBMP § 511 to consolidate Opposition Proceeding Nos. 91197504 and 91197505. Omega respectfully submits that consolidation of these proceedings is appropriate as the proceedings involve the same parties as well as common questions of law and fact.

The Alpha Phi Omega applications seek registration for “Jewelry,” in International Class 014 and for “Headwear; Jackets; Shirts; Sweat shirts” in International Class 025. Omega alleges ownership of the marks OMEGA, Ω, and OMEGA Ω in connection with goods in a variety of International Classes of goods and services.

In Opposition No. 91197504, Omega alleges that the mark ALPHA PHI OMEGA & design, when used in connection with the goods/services set forth in Serial No. 77/950,436, is confusingly similar to Omega’s marks and that, therefore, registration of ALPHA PHI OMEGA & design is likely to cause confusion with Omega’s rights in its various OMEGA and Ω marks. Alpha Phi Omega has denied these allegations.

In Opposition No. 91197505, Omega alleges that the mark AΦΩ, when used in connection with the goods/services set forth in Serial No. 77/905,236, is confusingly similar to Omega’s marks and that, therefore, registration of AΦΩ is likely to cause confusion with Omega’s rights in its various OMEGA and Ω marks. Alpha Phi Omega has denied these allegations.

Opposition Nos. 91197504 and 91197505 were filed on November 22, 2010 and the Answers were filed on December 27, 2010. Therefore, the issue has joined in both oppositions. The counts and corresponding responses in these Notices of Opposition and Answers are nearly identical.

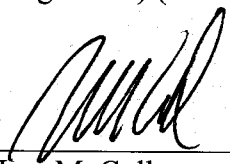
In light of the foregoing synopsis of pending Opposition Proceedings Opposition Nos. 91197504 and 91197505, Omega, with the consent of Alpha Phi Omega, submit that consolidation of the proceedings is appropriate as it will tend to avoid unnecessary costs or delay.

Assuming that the TTAB concurs with Omega that consolidation is appropriate, Omega requests that the TTAB set trial dates for the consolidated proceeding by adopting the trial dates as set in the most recently instituted proceeding, Opposition No. 91197504.

Counsel for Alpha Phi Omega consented to this Motion by electronic mail on February 19, 2013.

Omega respectfully requests that the proceedings be suspended and consolidated, in accordance with TBMP § 511.

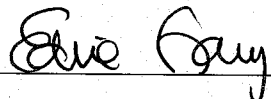
Respectfully submitted,  
S.A. (Omega A.G.) (Omega Ltd.)

By:   
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*Attorneys for Opposer*

Dated: February 19, 2013

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED  
ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK OFFICE.

COLLEN IP, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND  
AVENUE, OSSINING-ON-HUDSON, NEW YORK 10562.

By:   
\_\_\_\_\_

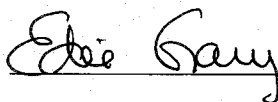
CERTIFICATE OF SERVICE AND FILING

I, Edie Garvey, hereby certify that I caused a true and correct copy of the foregoing Consented Motion to Consolidate Related Proceedings to be served upon Applicant's Attorney of Record at the following addresses:

Jack A. Wheat  
Stites & Harbison PLLC  
400 W Market Sreet, Suite 1800  
Louisville, KY 40202-3352

Via first-class mail, postage pre-paid.

Said service having taken place this 19th day of February, 2013

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